

## **Ordinance No. 1-2021**

AN ORDINANCE REPEALING THE ENTIRE EXISTING CHAPTER 10.51 GOLF CART AND UTILITY TRAIL VEHICLES AND REPLACING IT WITH A NEW ORDINANCE ENTITLED GOLF CARTS OF THE DENVER CITY CODE OF THE CITY OF DENVER, IOWA.

BE ORDAINED by the City Council of the City of Denver, Iowa that; the existing Denver City Code Section 10.51 Golf Cart and Utility Trail Vehicles is hereby repealed in its entirety and replaced with Denver City Code Section 10.51 Golf Carts.

**10.51 PURPOSE:** The purpose of this chapter is to permit the operation of golf carts, as authorized by Section 321.247 of the Code of Iowa, on certain streets in the City. This chapter applies whenever a Golf Cart is operated on any city street or alley, subject to those exceptions stated herein.

**10.51.01 DEFINITIONS:** 1. “Golf cart” means a four-wheeled recreational vehicle generally used for the transportation of person(s) in the sport of golf. Note that a vehicle with appearance of a “golf cart” but satisfying the requirements of 49 CFR 571.500 (i.e., is a “low speed vehicle”) is not subject to this chapter but rather to the Code of Iowa 321.381A.

**10.51.02 OPERATION OF GOLF CARTS PERMITTED:** Golf carts may be operated upon the streets of the City by persons possessing a valid Iowa operator’s license and at least sixteen (16) years of age, except as prohibited in Section 10.51.07.

**10.51.03 REQUIRED EQUIPMENT:** Golf Carts operated upon City streets shall be equipped with at least the following:

1. A slow moving vehicle sign.
2. An orange safety flag, the top of which shall be a minimum of five (5) feet above the ground level.
3. Adequate and functional brakes.
4. Rear view or side mirrors.
5. Adequate exhaust and muffler system.

**10.51.04 HOURS OF OPERATION:** Golf carts may be operated on City streets only between sunrise and sunset, as established by the National Weather Service, at which time said operations shall cease.

Ambulance, Fire, Law Enforcement, and Denver Public School golf carts are exempt from these hours of operation hours in performance of their duties.

**10.51.05 SPEED:** Golf carts shall be subject to posted speed limits.

**10.51.06 PASSENGERS:**

1. All passengers must be properly seated while the golf cart is in motion.
2. No person shall operate a golf cart with more persons on the vehicle than it was designated to carry or have more than one person per seat (two per bench seat). No more than two passengers may ride in the back seat if said seat exists.

3. No part of any rider or operator may extend beyond the sides of the vehicle.
4. No children under the age of six are permitted on a golf cart.

### **10.51.07 OPERATION:**

1. Except as noted otherwise, herein, any person operating a golf cart on City streets or alleys shall adhere to all traffic signs and signals, and all other City of Denver and State of Iowa traffic rules and regulations, and shall obey the orders and direction of any law enforcement officer authorized to direct or regulate traffic, or the direction of a fire department officer during a fire.
2. No person shall operate a golf cart in a careless, reckless, or negligent manner endangering the person or property of another or causing injury or damage to the same.
3. This ordinance forbids the operation of golf carts on:
  - a. Any recreational, bike or walking trail unless the trail is specifically designed to allow the use of motor vehicles.
  - b. Sidewalks.
  - c. City parks or any other land owned by the City, unless permission is granted by the city council.
  - d. Private property without the consent of the property owner.
  - e. Primary road extensions through the city limits, however Golf Carts may cross these roads at approximately a ninety (90) degree angle after yielding the right of way to cross traffic. Primary road extensions for the city of Denver are Fayette Street and State Street.

Ambulance, Fire, Law Enforcement, and Denver Public School golf carts and are exempt from these restrictions in performance of their duties.

### **3. Street Etiquette:**

- a. Except when executing a left turn, golf carts and shall be driven as close as practical to the right-hand edge of any street or alley.
- b. When necessary to prevent congestion of traffic, golf carts and shall be pulled to the right-hand edge of streets and be stopped to allow other motor vehicles traveling in the same direction to pass.
- c. When two or more golf carts or are being operated in the same direction and general vicinity on a City Street or Alley, they shall proceed in single file.

### **4. Parking:**

- a. A golf cart or may be parked on City streets or parking lots only in designated parking spaces.

### **5. Negligence**

- a. The owner and operator of a golf cart are liable for any injury or damage occasioned by the negligent operation of the golf cart.

b. All persons who operate or ride on golf carts on streets inside the city limits of Denver do so at their own risk and peril. The city has no liability under any theory of liability, for golf carts that are operated on the streets of the city.

## **6. Accident reports**

a. Whenever a golf cart is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand five hundred dollars (\$1,500.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer as required under Iowa Code Sections 321I.11 and 321.266.

**10.51.08 PERMITS:** Golf carts and must be registered with the City of Denver before operating on any public street or alley.

1. A permit shall be issued once the owner has provided the following:

a. Proof that the owner has liability insurance covering operation of a golf cart or on city streets with limits of liability at least as great as those required by the Code of Iowa chapter 321A.1(11) as amended.

b. Inspection and approval by the Police Department of the City of Denver.

2. Any golf cart operated on the City streets shall display the City of Denver permit sticker prominently on the rear left fender or similar component.

3. All applications shall uniquely identify the name (s) and address (s) of the owner and shall be for specific golf cart, as evidenced by its serial number.

4. The fee for such permits shall be forty-five dollars (\$45.00) per 3-year period. The fee will not be prorated for permits purchased during the year. The fee will not be refunded if the golf cart is sold, or the permit is suspended or revoked.

5. All permits will expire on December 31 of the third year. Permits may be purchased at any time.

6. The permit may be suspended or revoked per 10.51.09

7. Businesses selling Golf Carts are exempt from having to obtain permits.

8. must comply with all applicable state regulations.

## **10.51.09 SPECIAL EVENTS EXEMPTION REQUIRES APPROVAL OF THE CITY COUNCIL**

1. Special Events will be exempt from obtaining a Golf Cart permit only with the approval of the Denver City Council. (i.e. Denver Breakaway Days Volunteers, Denver Diplomats, Class Reunions etc.)

## **10.51.10 VIOLATION AND PENALTY:**

1. A violation of this ordinance shall be considered a simple misdemeanor.

2. For a first offense, in a 12 month period, the penalty shall be \$50.00

3. For a second offense, in a 12 month period, the penalty shall be \$100.00 and revocation of the City of Denver permit for 60 days.

4. For a third or subsequent offenses, in a 12 month period, the penalty shall be \$200.00 and revocation of the City of Denver permit for 180 days.

To all of the above fines shall be added the surcharge and costs pursuant to the Iowa Code and the Denver City Code.

**Section II.** All ordinances or parts of ordinances which conflict herewith are repealed.

**Section III.** Severability Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**Section IV.** This ordinance shall be in full force and effect from and after its passage and publication, as provided by law from and after the 16<sup>th</sup> day of February, 2021.

1<sup>st</sup> Reading was Passed, approved, and adopted this 1<sup>st</sup> day of February, 2021.

2<sup>nd</sup> Reading was Passed, approved, and adopted this 16<sup>th</sup> day of February, 2021.

3<sup>rd</sup> Reading was Passed, approved, and adopted this 1<sup>st</sup> day of March, 2021.

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Rod Diercks, Mayor

ATTEST:

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Larry Farley, City Clerk/Admin.